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SIXTIETH LEGISLATURE

EIGHTY-SECOND LEGISLATIVE DAY
FRIDAY, APRIL 3, 2009

Senate Chamber

President Little called the Senate to order at 10 a.m.

Roll call showed all members present except Senator Stegner, absent and formally excused by the Chair; and Senators Cameron, Coiner, and McKenzie, absent and excused.

Prayer was offered by Chaplain Henry Webb.

The Pledge of Allegiance was led by Ashley Patrick, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of April 2, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators Cameron, Coiner, and McKenzie were recorded present at this order of business.

April 2, 2009

The JUDICIARY AND RULES Committee reports that [S 1184](#) has been correctly printed.

DARRINGTON, Chairman

[S 1184](#) was referred to the State Affairs Committee.

April 2, 2009

The JUDICIARY AND RULES Committee reports that [S 1011](#), [S 1053](#), as amended, [S 1074](#), as amended, as amended,

[S 1097](#), [S 1122](#), [S 1123](#), [S 1126](#), [S 1132](#), [S 1134](#), and [S 1142](#) have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled [S 1011](#), [S 1053](#), as amended, [S 1074](#), as amended, as amended, [S 1097](#), [S 1122](#), [S 1123](#), [S 1126](#), [S 1132](#), [S 1134](#), and [S 1142](#) and ordered them transmitted to the House for the signature of the Speaker.

April 2, 2009

The JUDICIARY AND RULES Committee reports that Enrolled [S 1003](#), [S 1008](#), and [S 1138](#) were delivered to the Office of the Governor at 2:20 p.m., April 2, 2009.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

April 2, 2009

The TRANSPORTATION Committee reports out [S 1182](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

MC GEE, Chairman

There being no objection, [S 1182](#) was referred to the Fourteenth Order of Business, General Calendar.

April 2, 2009

The TRANSPORTATION Committee reports out [S 1183](#) with the recommendation that it do pass.

MC GEE, Chairman

[S 1183](#) was filed for second reading.

April 2, 2009

The COMMERCE AND HUMAN RESOURCES Committee reports out [HCR 23](#) with the recommendation that it do pass.

ANDREASON, Chairman

[HCR 23](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

April 2, 2009

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 253](#) with the recommendation that it do pass.

HILL, Chairman

[H 253](#) was filed for second reading.

April 2, 2009

The HEALTH AND WELFARE Committee reports out [H 260](#) with the recommendation that it do pass.

LODGE, Chairman

[H 260](#) was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

April 2, 2009

Dear Mr. President:

I transmit herewith [H 268](#), which has passed the House.

ALEXANDER, Chief Clerk

[H 268](#) was filed for first reading.

April 2, 2009

Dear Mr. President:

I transmit herewith Enrolled [H 128](#), [H 129](#), [H 147](#), [H 145](#), as amended, [H 160](#), as amended, [H 108](#), [H 113](#), [H 115](#), [H 188](#), [H 189](#), [H 190](#), [H 191](#), [H 157](#), as amended, [H 212](#), [H 106](#), as amended, and [H 213](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [H 128](#), [H 129](#), [H 147](#), [H 145](#), as amended, [H 160](#), as amended, [H 108](#), [H 113](#), [H 115](#), [H 188](#), [H 189](#), [H 190](#), [H 191](#), [H 157](#), as amended, [H 212](#), [H 106](#), as amended, and [H 213](#) and ordered them returned to the House.

April 2, 2009

Dear Mr. President:

I return herewith Enrolled [S 1046](#), [S 1050](#), [S 1061](#), [S 1065](#), [S 1071](#), as amended, [S 1098](#), as amended, [S 1109](#), as amended, [S 1111](#), [S 1115](#), [S 1127](#), [S 1128](#), and [S 1131](#), which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1046](#), [S 1050](#), [S 1061](#), [S 1065](#), [S 1071](#), as amended, [S 1098](#), as amended, [S 1109](#), as amended, [S 1111](#), [S 1115](#), [S 1127](#), [S 1128](#), and [S 1131](#) were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1186

BY FINANCE COMMITTEE

AN ACT

RELATING TO HIGHWAY TRANSPORTATION PROJECTS; APPROVING BONDING AUTHORITY TO FINANCE CERTAIN HIGHWAY TRANSPORTATION PROJECTS; REFERENCING PROJECTS TO BE FINANCED WITH BOND PROCEEDS; LIMITING THE SCOPE OF TRANSPORTATION PROJECTS; PROVIDING A REQUIREMENT REGARDING A GARVEE PROGRAM MANAGEMENT SERVICES AGREEMENT; PROVIDING FOR ISSUANCE OF GARVEE BONDS; PROVIDING LEGISLATIVE INTENT AS TO THE IDAHO TRANSPORTATION BOARD'S PRIORITY USE OF BOND REVENUE; PROVIDING LEGISLATIVE INTENT REGARDING WORK PERFORMED BY THE IDAHO TRANSPORTATION DEPARTMENT; AUTHORIZING A TRANSFER OF FUNDS FOR DEBT SERVICE; PROVIDING A DATE FOR SUBMISSION OF A REPORT TO THE LEGISLATURE; AND PROVIDING FOR RESPONSIBILITIES OF THE IDAHO TRANSPORTATION BOARD REGARDING BOND ISSUANCE.

S 1187

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE HUMAN RIGHTS COMMISSION FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

S 1188

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE PUBLIC UTILITIES COMMISSION FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; DIRECTING COMMISSIONER SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

S 1189

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; CLARIFYING THE APPROPRIATION FOR THE PORTFOLIO INVESTMENT PROGRAM; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

S 1190

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE IDAHO STATE POLICE FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL

COSTS; DIRECTING SALARY REDUCTIONS; AND
DECLARING AN EMERGENCY.

April 3, 2009

**S 1191
BY FINANCE COMMITTEE
AN ACT**

APPROPRIATING MONEYS TO THE OFFICE OF THE
STATE APPELLATE PUBLIC DEFENDER FOR FISCAL
YEAR 2010; LIMITING THE NUMBER OF AUTHORIZED
FULL-TIME EQUIVALENT POSITIONS; PROVIDING
LEGISLATIVE INTENT ON PERSONNEL COSTS;
DIRECTING SALARY REDUCTIONS; AND DECLARING
AN EMERGENCY.

S 1186, S 1187, S 1188, S 1189, S 1190, and S 1191 were
introduced, read the first time at length, and referred to the
Judiciary and Rules Committee for printing.

H 268, by Appropriations Committee, was introduced, read
the first time at length, and referred to the Finance Committee.

On request by Senator Davis, granted by unanimous consent,
the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

April 3, 2009

The JUDICIARY AND RULES Committee reports that
S 1186, S 1187, S 1188, S 1189, S 1190, and S 1191 have been
correctly printed.

DARRINGTON, Chairman

S 1186, S 1187, S 1188, S 1189, S 1190, and S 1191 were
referred to the Finance Committee.

April 3, 2009

The STATE AFFAIRS Committee reports it has had under
consideration the Gubernatorial appointment listed below and the
Committee recommends that said appointment be confirmed by
the Senate:

Blanche M. Weber to the Bingo-Raffle Advisory Board, term
to expire January 7, 2011.

MCKENZIE, Chairman

The Gubernatorial appointment was referred to the Tenth
Order of Business, Motions and Resolutions, and ordered held
at the Secretary's desk for one legislative day.

April 3, 2009

The STATE AFFAIRS Committee reports out H 265 with the
recommendation that it do pass.

MCKENZIE, Chairman

H 265 was filed for second reading.

The FINANCE Committee reports out S 1186, S 1187,
S 1188, S 1189, S 1190, and S 1191 with the recommendation
that they do pass.

CAMERON, Chairman

S 1186, S 1187, S 1188, S 1189, S 1190, and S 1191 were
filed for second reading.

On request by Senator Davis, granted by unanimous consent,
the Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 245 and H 251, by Education Committee, were read the
second time at length and filed for third reading.

S 1165, S 1167, S 1169, and S 1185, by State Affairs
Committee, were read the second time at length and filed for
third reading.

H 244, as amended, by Revenue and Taxation Committee,
was read the second time at length and filed for third reading.

S 1176, S 1177, S 1178, S 1179, S 1180, and S 1181, by
Finance Committee, were read the second time at length and filed
for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1171 was read the third time at length, section by section,
and placed before the Senate for final consideration. Senator
Hammond arose as sponsor of the bill and opened the debate.
The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett,
Broadsword, Cameron, Coiner, Corder, Darrington, Davis,
Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson,
Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie,
Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway,
Smyser, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Stegner. Total - 1.

Total - 35.

Whereupon the President declared S 1171 passed, title was
approved, and the bill ordered transmitted to the House.

S 1172 was read the third time at length, section by section,
and placed before the Senate for final consideration. Senator
Bilyeu arose as sponsor of the bill and opened the debate. The
question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Stegner. Total - 1.

Total - 35.

Whereupon the President declared [S 1172](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1173](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Stegner. Total - 1.

Total - 35.

Whereupon the President declared [S 1173](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1174](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Stegner. Total - 1.

Total - 35.

Whereupon the President declared [S 1174](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1004](#), as amended in the House, was read the third time at length, section by section, and placed before the Senate for final

consideration. Senator McKague arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Stegner. Total - 1.

Total - 35.

Whereupon the President declared [S 1004](#), as amended in the House, passed, title was approved, and the bill referred to Judiciary and Rules Committee for enrolling.

[H 173](#), having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Coiner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Keough, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Siddoway, Smyser, Winder. Total - 26.

NAYS—Bilyeu, Bock, Kelly, LeFavour, Sagness (Malepeai), Schroeder, Thorson (Stennett), Werk. Total - 8.

Absent and excused—Stegner. Total - 1.

Total - 35.

Whereupon the President declared [H 173](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 12:05 p.m. until the hour of 10 a.m., Tuesday, April 7, 2009.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary